

REMARKS

Reconsideration of the application is respectfully requested.

Claims 1-5, 9, 11-15, 18-22, 27-31, 35-40, 47-52, 56-59 and 64-66 have been rejected by the Examiner. Claims 12, 13, 28, 29, 37, and 38 have been found to be allowable but for their dependence on rejected base claims. Claims 1, 15, 21, 31, 47-49, 51, 56, and 64 are currently amended. No claims are added or cancelled. All amendments are fully supported by the Applicants' disclosure. Accordingly, claims 1-5, 9, 11-15, 18-22, 27-31, 35-40, 47-52, 56-59 and 64-66 remain pending in the application.

Claim Rejections under 35 U.S.C. § 103

In the Office Action, claims 1-5, 9, 11, 14-15, 18-22, 27, 30-31, 35-36, 39-40, 47-52, 56-59 and 64-66 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over U.S. Patent Application Pub. No. 2002/0002643 A1 to Yamamoto (hereinafter "Yamamoto") in view of U.S. Patent No. 6,295,441 to Björkengren et al (hereinafter "Björkengren") and further in view of U.S. Patent No. 5,126,739 to Whiting et al (hereinafter "Whiting"). The Office Action also cited U.S. Patent No. 7,330,876 to Rawat ("Rawat") on page 5 as part of the basis for the rejection of claim 1.

Applicants respectfully traverse the rejections for at least the reasons previously argued by Applicants in the previous Response filed October 5, 2009. Applicants maintain that the combination of Yamamoto, Björkengren, and Rawat fails to fairly teach or suggest the recitations of the claims **read properly as a whole**, as required by law. In particular, Applicants maintain that the combination of Yamamoto, Björkengren, and Rawat fails to fairly teach or suggest "wherein the shortest code of the variable length encoding scheme represents a first user

selectable phrase comprising a plurality of alphanumeric characters, . . . *selected by a user from among a plurality of phrases for representation by the shortest code*, said shortest code representing said first user selectable phrase in its entirety . . . ” or complementary logic to “ . . *facilitate the user in assigning the first user selectable phrase* selected by the user *to the shortest code* of the variable encoding scheme . . . ” Likewise, the references also do not teach the recitations of claim 1 with regard to “the second user selectable phrase” and “the second shortest code.”

The Office Action conceded on page 5 that the combination of Yamamoto, Björkengren, and Rawat “is silent on whether or not the shortest code and the second shortest code are used to represent a first user and a second phrases comprising a plurality of alphanumeric characters themselves as claimed.” Applicants agree that this combination of references do not teach that the two shortest codes are used to represent phrases selected by the user for representation by those codes, as required by the independent claims.

Claim 1 requires that both the “first user selectable phrase” and the “second user selectable phrase” comprise a plurality of alphanumeric characters. Claim 1 **also** requires that these phrases are represented in their entireties by the first and second shortest codes, respectively; that they are **selected by the user for representation by** those first and second shortest codes; and that the recited device **facilitates the user in assigning them** to those first and second shortest codes. Because the references do **not** teach that the shortest code is used to represent a multi-character user phrase, the cited combination cannot teach or suggest the “first user selectable phrase” or “the second user selectable phrase.” Thus, by extension, the references also does not teach or suggest such a first user selectable phrase “being selected by a

user from among a plurality of phrases for representation by the shortest code,” or a device with logic to “facilitate the user in assigning the first user selectable phrase” to the shortest code.

Whiting fails to remedy the deficiencies of Yamamoto, Björkengren, and Rawat. Whiting merely discloses, in the cited passages, a compression/decompression system with a compression apparatus that maintains a history buffer of previously processed bytes. A compression apparatus receives a data stream from a host and compresses the data before sending it to a device, and vice versa (see e.g. Fig. 1a and 1b). Compression is through location of repeated strings of bytes in the buffer – if a match is found, the string length and position are encoded and appended to the data stream, while bytes without matches are appended to the data stream with a tag. Whiting thus discloses that the compression method “maps variable length input strings” (i.e. received data stream bytes for which there is a match in the history buffer) “to variable length output codes” (i.e. representations of the length and position of the matches in the history buffer).

As an initial matter, Applicants note that Whiting, like the previously cited references, teaches away from a first user selectable phrase “being selected *by a user* from among a plurality of phrases *for representation by the shortest code*,” and logic to “*facilitate the user* in assigning the first user selectable phrase” to the shortest code. The data compression system of Whiting does not allow a user to select a phrase for representation by a particular code, nor does it facilitate a user in assigning such a phrase to a particular code.

Even in combination, the cited references simply do not teach or suggest that the two shortest codes of a variable length encoding scheme represent multi-character user programmable phrases *selected by a user for representation by those codes*. Nor do the

references teach or suggest a device configured to facilitate inputting user programmable phrases as encoded representations in the manner recited.

Despite Applicants' traversal of the rejections, Applicants have nonetheless amended the pending independent claims (without prejudice) for the sole purpose of expediting allowance of the claims. As amended, claim 1 now recites in part: "an apparatus comprising:

complementary logic to facilitate entry of alphanumeric data and user programmable phrases in encoded representations of a variable length encoding scheme using one or more of said first button and second button, the variable length encoding scheme having a plurality of codes of various code lengths, each code of said plurality representing corresponding alphanumeric data, and each corresponding alphanumeric data being internally represented in a fixed length binary form,

...

in response to user entry of the shortest code using only the first button, inputting the internal representation of the first user selectable phrase in its entirety into a current application, the internal representation being in the fixed length binary form; and

in response to user entry of the shortest code using only the second button, inputting the internal representation of the second user selectable phrase in its entirety into a current application, the internal representation being in the fixed length binary form."

These amendments are supported at least on pg. 6, lines 14-26; pg. 6, lines 1-17; pg. 8; pg. 17, lines 14-25; Figs. 1-3.

Viewed as a whole, as required by law, claim 1 recites a device with logic to support entry, using one or more of two buttons, of codes that represent user programmable phrases selectable by the user for association with those codes (i.e. user-customizable codes). This allows the user to input a phrase in its entirety simply by inputting the associated code of the scheme (e.g. “dit” or “dah”).

Amended claim 1 clarifies that each code represents corresponding alphanumeric data, “each corresponding alphanumeric data being internally represented in a fixed length binary form.” Because the inputted code is mapped to its corresponding alphanumeric data, which is then input (in a fixed length binary form) into an application, the encoded phrase can be output in a non-encoded format. Thus, different users can assign different multi-character phrases to the same code, and use their own customized codes to quickly and discreetly input phrases for use in applications (e.g. a messaging application) without revealing what the codes represent. Thus, the user maintains privacy even where others are able to observe the user activating the key.

In addition, amended claim 1 recites “in response to user entry of the shortest code using only the first button, inputting the internal representation of the first user selectable phrase in its entirety into a current application, the internal representation being in the fixed length binary form; and in response to user entry of the shortest code using only the second button, inputting the internal representation of the second user selectable phrase in its entirety into a current application, the internal representation being in the fixed length binary form.” The cited combination of Yamamoto, Björkengren, Rawat, and Whiting does not teach or suggest these features.

Should the rejections be maintained, Applicants respectfully request clarification as to how/where the following features are taught by the cited references, including citations to the specific passages/figures on which the rejections are relying:

- a multi-character “first user selectable phrase” that is “selected *by a user* from among a plurality of phrases *for representation by the shortest code*” and represented in its entirety by the shortest code; and
- logic to “*facilitate the user in assigning* the first user selectable phrase selected by the user to the shortest code of the variable length encoding scheme.”
- “in response to user entry of the shortest code using only the first button, inputting the internal representation of the first user selectable phrase in its entirety into a current application, the internal representation being in the fixed length binary form; and in response to user entry of the shortest code using only the second button, inputting the internal representation of the second user selectable phrase in its entirety into a current application, the internal representation being in the fixed length binary form.”

Finally, Applicants respectfully maintain their previous assertion that a person having ordinary skill in the art would have no motivation to combine Yamamoto, Björkengren and Rawat in the manner suggested, nor would such a combination produce the recitations of claim 1 (see Response filed October 5, 2009). Should the rejections be maintained, Applicants respectfully request that the Examiner provide a response to Applicants’ argument below regarding the combination of the cited references.

If a proposed modification would render the prior art invention being modified **unsatisfactory for its intended purpose**, then there is no suggestion or motivation to make the proposed modification. MPEP 2143.01, citing *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984). Yamamoto's device is a portable terminal that has a "study mode," a "practice mode," a "self-teaching mode," and a "conversation mode" (paragraph [0102]). These modes are for learning Morse code and for communicating with another terminal in a manner that simulates Morse code. The suggested modifications of Yamamoto with Björkengren, Rawat, and Whiting would not produce the recitations of claim 1, because the combination does not teach associating the shortest code of a variable length encoding scheme with a user selectable phrase selected by the user for association with that code. But for the sake of argument, even if the combination did teach or suggest that subject matter, there would be no motivation to combine the references in the manner suggested, because associating the two shortest codes with user selectable phrases (i.e., changing what the shortest codes represent) would render Yamamoto's device **unsatisfactory** for its purposes. If the two shortest codes of Morse code (i.e. "dit" and "dah") represented phrases selected by the user, rather than their fixedly assigned commonly used letters, the device would no longer be useful for learning/practicing Morse code or communications with others (i.e. message recipients would not know what the two shortest codes mean).

For at least these reasons, Applicants respectfully submit that the cited combination of Yamamoto, Björkengren, Rawat, and Whiting fail to teach or suggest the recitations of claim 1 as amended. Claim 1 is therefore allowable over the cited combination.

Amended claims 21, 31, 47, 56, and 64 contain recitations similar to those of amended claim 1. Accordingly, for at least the same reasons, claims 21, 31, 47, 56, and 64 are allowable over Yamamoto, Björkengren, and Whiting, alone or in combination.

Claims 2-5, 9, 11-15, 18-20, 22, 27-30, 35-40, 48-52, 57-59, and 65-66 depend from claims 1, 21, 31, 47, 56, and 64, incorporating their recitations respectively. Accordingly, for at least the same reasons, claims 2-5, 9, 11-15, 18-20, 22, 27-30, 35-40, 48-52, 57-59, and 65-66 are also allowable over the cited references. In addition, these claims are further allowable by virtue of their additional recitations, which are not taught or suggested by the cited references.

Allowable Subject Matter

Applicants thank the Examiner for finding claims 12, 13, 28, 29, 37, and 38 allowable but for their dependence on rejected base claims. For the reasons given above, Applicants believe those base claims, as amended, are allowable. Thus, Applicants respectfully submit that claims 12, 13, 28, 29, 37, and 38 are in condition for allowance by virtue of their dependence from the presently allowable claims 1, 21, and 31.

Conclusion

Applicants submit that all pending claims are in condition for allowance. Accordingly, a Notice of Allowance is respectfully requested. If the Examiner has any questions concerning the present paper, the Examiner is kindly requested to contact the undersigned at (206) 407-1513. If any fees are due in connection with this paper, the Commissioner is authorized to charge Deposit Account 500393.

Respectfully submitted,
SCHWABE, WILLIAMSON & WYATT, P.C.

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Jo Ann Schmidt
Reg. No.: 62,255

Schwabe, Williamson & Wyatt, P.C.
U.S. Bank Centre
1420 5th, Suite 3010
Seattle, Washington 98101
Telephone: 206-622-1711